

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

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Armann J. Bellow,

Case No. 2:25-cv-00024-DJA

Plaintiff,

Order

V.

State of Nevada,

Defendant.

Before the Court are two of pro se Plaintiff Armanna J. Bellow's motions for default judgment (ECF Nos. 12, 15) and motion for entry of Clerk's default (ECF No. 16). The Court denies Plaintiff's motions because Plaintiff has not properly served Defendant the State of Nevada. *See Marty v. Green*, No. 2:10-CV-01823, 2011 WL 320303, at *4 (E.D. Cal. Jan. 28, 2011) (stating that the court would have denied motion for default because defendants had not been properly served). A default judgment is void where a defendant has not been properly served. *Mason v. Genisco Tech. Corp.*, 960 F.2d 849, 851 (9th Cir. 1992) (default judgment is void where defendant was not properly served); *Olson v. Nevada*, No. 3:23-CV-00513-ART-CLB, 2025 WL 1211037, at *1 (D. Nev. Apr. 25, 2025).

Under Federal Rule of Civil Procedure 4(j)(2), a Plaintiff may effectuate service in two ways:

A state, a municipal corporation, or any other state-created governmental organization that is subject to suit must be served by:

(A) delivering a copy of the summons and of the complaint to its chief executive officer; or

(B) serving a copy of each in the manner prescribed by that state's law for serving a summons or like process on such a defendant

Ed. B. Civ. P. 4 (emphasis added)

1 Thus, Plaintiff can properly serve the State of Nevada by either complying with Federal
2 Rule of Civil Procedure 4(j)(2)(A), or by complying with state law requirements for service of
3 process on the state, outlined below.

4 Nevada Revised Statute 41.031(2) provides that:

5 An action against the State of Nevada must be filed in the county
6 where the cause or some part thereof arose or in Carson City. In an
7 action against the State of Nevada, the summons and a copy of the
complaint must be served upon:

8 (a) The Attorney General, or a person designated by the Attorney
9 General, at the Office of the Attorney General in Carson City; **and**
10 (b) The person serving in the office of administrative head of the
named agency

11 NRS 41.031(2) (emphasis added).

12 Rule 4.2(d)(1) of the Nevada Rules of Civil Procedure provides nearly identical
13 requirements for service of process:

14 The State and any public entity of the State must be served by
15 delivering a copy of the summons and complaint to:

16 (A) the Attorney General, or a person designated by the Attorney
17 General to receive service of process, at the Office of the Attorney
18 General in Carson City; **and**
19 (B) the person serving in the office of administrative head of the
20 named public entity, or an agent designated by the administrative
head to receive service of process.

21 Nev. R. Civ. P. 4.2(d)(1) (emphasis added).

22 Additionally, Federal Rule of Civil Procedure 4(c)(2) requires that a “person who is at
23 least 18 years old and not a party” serve the summons and complaint. That Rule does not
24 contemplate service by first class mail. The same is true of the Nevada Rules of Civil Procedure.
25 *See* Nev. R. Civ. P. 4(c)(3).

26 Here, Plaintiff’s proofs of service only indicate that Plaintiff served the State of Nevada
27 by first class mail. Plaintiff’s proof of service does not indicate whether a person who is at least

1 18 years old and not a party delivered the summons and complaint to the persons identified in
2 Federal Rule of Civil Procedure 4(j)(2)(A), Nevada Revised Statute 41.031(2), or Nevada Rule of
3 Civil Procedure 4.2(d)(1). So, the Court will deny Plaintiff's motions for default. The Court will
4 further give Plaintiff an additional sixty days to serve the State of Nevada. *See* Fed. R. Civ. P.
5 4(m).

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7 **IT IS THEREFORE ORDERED** that Plaintiff's motions for default (ECF Nos. 12, 15,
8 16) are **denied**.

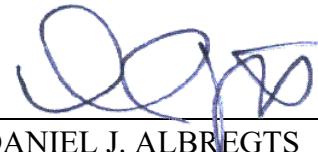
9 **IT IS FURTHER ORDERED** that Plaintiff shall have until **October 8, 2025**, to
10 accomplish service.

11 **IT IS FURTHER ORDERED** that the Clerk of Court is kindly directed to send a copy of
12 this order to Plaintiff.

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DATED: July 11, 2025



DANIEL J. ALBRECHTS
UNITED STATES MAGISTRATE JUDGE

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